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Attorneys for Plaintiffs
Andrea Bascheri and Jim Chung
in Case No. 12-cv-6091 (N.D. Cal.)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALLAN J. NICOLOW, individually and on)	Case No. 12-cv-5980-CRB
behalf of all others similarly situated,)	
)	Administrative Motion to Consider
Plaintiffs,)	Whether Cases Should Be Related
)	Under Civil L.R. 3-12(b)
vs.)	
)	(Civil L.R. 3-12(b) and 7-11)
HEWLETT-PACKARD COMPANY, LEO)	
APOTHEKER, MARGARET C. WHITMAN,)	Honorable Charles R. Breyer
CATHERINE A. LESJAK, and JAMES T.)	
MURRIN,)	Date Action Filed: November 26, 2012
)	
Defendants.))	

[Additional caption appearing on the next page]

ANDREA BASCHERI and JIM CHUNG,
derivatively on behalf of HEWLETT-
PACKARD COMPANY,

Plaintiffs,

vs.

LEO APOTHEKER, MICHAEL LYNCH,
SHANE ROBISON, CATHERINE A. LESJAK,
MARC L. ANDREESEN, SHUMEET
BANERJI, RAJIV L. GUPTA, JOHN H.
HAMMERGREN, RAYMOND J. LANE, ANN
M. LIVERMORE, GARY M. REINER,
PATRICIA F. RUSSO, G. KENNEDY
THOMPSON, MARGARET C. WHITMAN,
RALPH WHITWORTH, LAWRENCE T.
BABBIO, JR., DOMINIQUE SENEQUIER,
KPMG LLP, DELOITTE LLP, and DOES 1
through 20, inclusive,

Defendants,

- and -

HEWLETT-PACKARD COMPANY,

Nominal Defendant.)

Case No. 12-cv-6091-SI

Honorable Susan Illston

Date Action Filed: November 30, 2012

1 In compliance with Civil L.R. 3-12(b), Plaintiffs Andrea Bascheri and Jim Chung in
 2 *Bascheri v. Apotheker*, No. 12-cv-6091 (N.D. Cal.), move for consideration of whether
 3 *Bascheri* is related to *Nicolow v. Hewlett-Packard Co.*, No. 12-cv-5980 (N.D. Cal.).

4 *Bascheri* and *Nicolow* are related within the meaning of Civil L.R. 3-12(a) for three
 5 reasons. First, although *Bascheri* and *Nicolow* present different claims and rely on different
 6 legal theories, some of the events and transactions giving rise to both cases are the same.
 7 *Bascheri* is a shareholder derivative action based on, among other things, the allegations that
 8 the officers, directors, and auditors of Nominal Defendant Hewlett-Packard Company (“HPQ”)
 9 (1) breached their duties in connection with HPQ’s multi-billion-dollar acquisition of
 10 Autonomy Corporation plc (“Autonomy”); and (2) caused HPQ to issue false and misleading
 11 statements regarding its financial results, which included revenues from HPQ’s acquisition of
 12 Autonomy and of Electronic Data Systems Corporation (“EDS”). Ex. A ¶ 3. *Nicolow* is a
 13 securities-fraud class action based on HPQ’s alleged dissemination of false and misleading
 14 statements concerning financial results that incorporated revenues from the EDS and
 15 Autonomy acquisitions. Ex. B ¶¶ 3, 5. Second, four current and former HPQ officers and
 16 directors – Leo Apotheker, Margaret C. Whitman, Catherine A. Lesjak, and James T. Murrin –
 17 are defendants in both cases. HPQ is a nominal defendant in *Bascheri* and a defendant in
 18 *Nicolow*. Third, because of the overlap of parties and underlying events between *Bascheri* and
 19 *Nicolow*, it appears likely that there will be an unduly burdensome duplication of labor and
 20 expense or conflicting results if the cases proceed before different judges. See Civil L.R. 3-
 21 12(a)(2).

22 Accordingly, *Bascheri* should be deemed related to *Nicolow* under Civil L.R. 3-12(a)
 23 and should be re-assigned to this Court.

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1 Dated: December 18, 2012

Respectfully submitted,
BOTTINI & BOTTINI, INC.
Francis A. Bottini, Jr. (SBN 175783)

3 s/ Francis A. Bottini, Jr.
4 Francis A. Bottini, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2012, I caused the foregoing document to be filed electronically with the Clerk of the Court for the United States District Court for the Northern District of California by using the appellate CM/ECF system. The following participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system:

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Dated: December 18, 2012

s/ Francis A. Bottini, Jr.
Francis A. Bottini, Jr.